GAYS IN THE MILITARY

Ban ruled unconstitutional

Judge's decision gives Clinton ammunition

Associated Press

LOS ANGELES — A judge struck down as unconstitutional the military's ban on homosexuals Thursday, saying it violated the Constitution's guarantee of equal protection.

The decision in the case of Keith Meinhold, 30, a Navy sonar operator who was discharged after he announced on a TV program that he was gay, came the same day President Clinton maneuvered with Congress in an effort to move toward lifting the military's 50-year-old ban on homosexuals.

"Gays and lesbians have served, and continue to serve the United States military with honor, pride, dignity and loyalty," U.S. District Judge Terry Hatter Jr. said in a written ruling.

"The Department of Defense is permanently enjoined from discharging or denying enlistment to any person based on sexual orientation in the absence of sexual conduct which interferes with the military mission of the armed forces of the United States," Hatter wrote.

Hatter: Compares gay ban to racial segregation.

Legally, Hatter's decision applies only in the portions of California covered by his court's jurisdiction. But politically, it is certain to strengthen the hands of Clinton and others seeking to end the ban nationwide.

In his ruling, Hatter said that justifications offered by the Department of Defense were baseless and similar to the reasons offered to keep the military racially segregated in the 1940s.

"Gays and lesbians should not be banned from serving our country in the absence of conduct which interferes with the military mission," said Hatter, who was appointed to the bench in 1977 by former President Jimmy Carter.

In November, Hatter issued a temporary injunction ordering the Navy to reinstate Meinhold, a 12-year Navy veteran who was honorably discharged in August after disclosing on television he is gay.

Hatter said at the time that Meinhold must be returned to his old job at Moffett Naval Air Station, south of San Francisco, pending the outcome of his lawsuit challenging the ban on homosexuals.

"I'm feeling ecstatic about it. It goes to prove all along what I've said — that the policy's unconstitutional. It's nice to see that our Constitution's going to be followed now," Meinhold said in a phone interview.

"The decision speaks to conduct. It says that if there's conduct that interferes with the military's mission, then of course that person should be discharged. I would assume that means heterosexual misconduct as well."

It wasn't immediately clear whether the Justice Department would appeal.

INSIDE WASHINGTON

Possible pick for top position backed pre

By **Marcy Gordon**/Associated Press

A Bush administration official who was a leading advocate of U.S. support for Iraq before the Persian Gulf War might be named to a top Pentagon post by President Clinton, Pentagon and other sources say.

If Clinton puts forward James "Jock" Covey for the newly created job of assistant secretary of defense for regional conflicts, he is likely to face opposition from some members of Congress, unnamed Senate aides said Thursday. Covey's nomination "would run into problems" in the Senate Armed Services Committee, one aide said.

DEFENSE

During his campaign, Clinton was a forceful critic of the Bush administration's support for Iraq in the years leading up to Saddam Hussein's invasion of Kuwait in August 1990.

Covey was a career foreign service officer who was appointed deputy assistant secretary of state for the Near East by the Bush administration in 1989. In that position, he was a leading advocate of U.S. support for Iraq before the gulf war.

The U.S. policy tilt toward Iraq started during the Iran-Iraq War in the early 1980s and continued until Iraqi troops invaded Kuwait in August 1990. The support included $1 billion in U.S. agricultural credits for Iraq, exports of advanced U.S. technology with potential military uses, and the sharing of military intelligence between the United States and Iraq.

"To go forward with the appointment of Jock Covey would be to reward one of the architects of the failed pre-gulf war policy toward Saddam," said Roger Robinson, a senior director of the National Security Council under Ronald Reagan.

HOUSING

grand jury investigating cronyism and political favoritism at HUD during the Reagan administration.

"I hope to put my life back together now," Cruse said, wiping a tear from his cheek after hugging his mother.

STATE DEPARTMENT

Candidate 'shocked' by criticism: A black Cuban-American being considered for a top State Department post said Thursday he was "shocked and dismayed" over the outpouring of opposition to his candidacy among Cuban exiles.

Mario Baeza, a candidate for the department's top Latin America policy-making post, also rejected suggestions within the exile community that he is sympathetic to the Cuban revolution.

"I am not now nor have I ever been a supporter of Fidel Castro or a sympathizer with communist causes," Baeza wrote in an opinion piece published in Thursday's Miami Herald.

Officials have indicated Sally Shelton Colby, a Democrat and former ambassador to Barbados, also is being considered.

ALSO . . .

■ An illegal alien who once worked as a nanny for former Attorney General-designate **Zoe Baird** has agreed to leave the country, an immigration official said Thursday. Richard Kenney, a spokesman for the U.S. Immigration and Naturalization Service, said **Lillian Cordero** agreed to return to her native Peru during a meeting Thursday with immigration officials in Hartford, Conn. She and her former husband, **Victor Cordero**, who worked as a chauffeur for Baird, figured prominently in Baird's decision to withdraw her nomination last week as U.S. attorney general. Baird withdrew amid a public outcry over her illegal hiring of t